

Remarks:

Reconsideration of the application is respectfully requested.

Claims 1 - 2 and 4 - 7 are presently pending in the application. No claims have been amended or canceled.

Applicants gratefully acknowledge that claims 4 and 5 have been allowed and that claim 7 has been indicated as being allowable if rewritten to include all the limitations of the claims from which that claim depends.

In item 2 of the above-identified Office Action, claims 1, 2 and 6 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U. S. Patent No. 6,363,105 to Sourour et al ("SOUROUR") in view of U. S. Patent No. 5,883,596 to Rodal ("RODAL").

Applicants respectfully traverse the above rejections.

The facts relating to the presently claimed invention, as they relate to the SOUROUR reference, are as follows. The effective date of the SOUROUR reference is **February 17, 1998**. Applicants' invention was conceived and reduced to practice prior to the **February 17, 1998** effective date of SOUROUR. An unsigned declaration under 37 C.F.R. § 1.131 attesting to the conception and reduction to practice of the present invention

prior to February 17, 1998, is included herewith. A signed copy of the enclosed declaration will be provided shortly.

Additionally included herewith, as further proof of Applicants' prior invention, is a copy of the invention disclosure ("Invention Disclosure") or "*Erfindungsmeldung*" that led to the preparation and filing of the German patent application upon which the present application claims priority. Page 3 of the cover portion of the *Erfindungsmeldung* has been omitted, as it contains confidential information. The **Invention Disclosure** is dated **December 2, 1996** (more than a year prior to the priority date of **SOUROUR**) and was submitted to the supervisor of Siemens department HL WS PD on **December 2, 1996**, where it was signed as having been received on that date by the supervisor, Dr. Hartmann. Receipt of the **Invention Disclosure** was further confirmed at the Siemens department GR ZD VM Mch M on **December 3, 1996**. A German patent application was filed on the subject matter of the **Invention Disclosure** on **July 21, 1998**, slightly more than five months after the effective date of **SOUROUR**. A PCT application claiming priority from the German application was filed on July 1, 1999. The present application, claiming priority back to the German patent Application of July 21, 1998 was filed in the United States Patent and Trademark Office on January 22, 2001.

Further, **SOUROUR**'s patent publication date of March 26, 2002 is subsequent to applicant's U.S. filing date of January 22, 2001, for the instant application. Because **SOUROUR** is not a statutory bar and its effective date as a reference is after the date that the present invention was conceived and reduced to practice, as evidenced by the Rule 131 Declaration enclosed herewith, Applicants respectfully believe that the **SOUROUR** reference is unavailable as prior art. Therefore, Applicants respectfully submit that the Section 103(a) rejection in paragraph 2 of the Office Action is now moot and request that the Examiner withdraw the rejection.

Further, the **RODAL** reference, cited in item 2 of the Office Action in combination with **SOUROUR**, fails to teach or suggest all limitations of Applicants' claims. As such, Applicants' claims are believed patentable over the **RODAL** reference.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claims 1 and 4. Claims 1 and 4 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 1 or 4. As it is believed that the claims were patentable over the cited art in

their original form, the claims have not been amended to overcome the references.

Finally, Applicants appreciatively acknowledge the Examiner's statement that claim 7 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In light of the above, Applicants respectfully believe that rewriting of claim 7 is unnecessary at this time.

In view of the foregoing, reconsideration and allowance of claims 1 - 2 and 4 - 7 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Additionally, please consider the present as a petition for a one month extension of time, and please provide a one month extension of time, to and including, August 4, 2005, to respond to the present Office Action.

Applic. No. 09/767,379
Response Dated August 3, 2005
Responsive to Office Action of April 4, 2005

The extension fee for response within a period of one (1) month pursuant to Section 1.136(a) in the amount of \$120.00 in accordance with Section 1.17 is enclosed herewith.

Please provide any additional extensions of time that may be necessary and charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicants

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